



US Army Corps
of Engineers
Jacksonville District



**PRESENTATION TO
JOINT MEETING OF THE
LEE AND COLLIER
COUNTY COMMISSIONERS
WEDNESDAY, FEBRUARY 11, 1998**

by
COLONEL JOE R. MILLER
COMMANDER / DISTRICT ENGINEER
JACKSONVILLE DISTRICT
U.S. ARMY CORPS OF ENGINEERS



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BRIEFING AGENDA

**Review of Authorities / Brief History of Corps Regulatory
Program**
EIS Process, Key Dates and Schedule
Expected Results / Product
EIS Ground Rules
Corps' Perspective on EIS
Lessons Learned Thus Far
Local Perspectives on EIS
Key Issues
County Involvement
Corps' Commitment
Summary
Questions and Answers



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SOUTHWEST FLORIDA THEATER OF OPERATIONS



WE SHALL WADE THROUGH THIS TOGETHER !

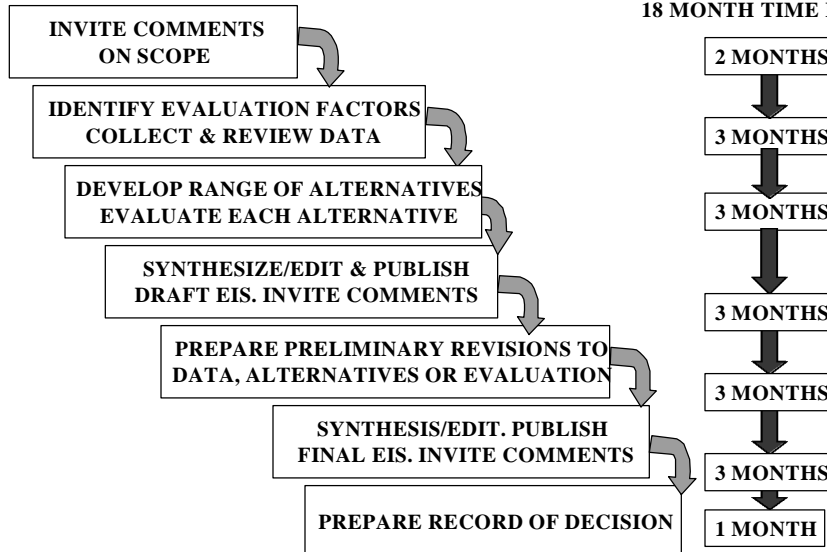


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EIS PROCESS



18 MONTH TIME FRAME





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KEY EVENTS



PAST AND PRESENT

JANUARY 12	NOTICE OF INTENT PUBLISHED IN FEDERAL REGISTER PUBLIC NOTICE ISSUED
FEBRUARY 4 & 5	SERIES OF MEETINGS WITH COUNTY COMMISSIONERS AND MEMBERS OF COMMUNITY
FEBRUARY 9	PUBLIC MEETINGS HELD 10:00 AM AND 5:30 PM, ESTERO, FL
FEBRUARY 11	JOINT MEETING, LEE AND COLLIER COUNTIES BOARDS OF COUNTY COMMISSIONERS BONITA SPRINGS, FLORIDA (REC CTR)

FUTURE

FEBRUARY 20	DEADLINE FOR SUBMISSION OF COMMENTS ON EIS SCOPE
MARCH 18	CORPS' PRESENTATION OF EIS SCOPING AT SWIG MEETING
OCTOBER 1998	DRAFT EIS NOTICE OF AVAILABILITY IN FEDERAL REGISTER
APRIL 1999	PUBLIC MEETING OR HEARING
MAY 1999	FINAL EIS NOA IN FEDERAL REGISTER
JUNE 1999	PREPARE RECORD OF DECISION / TAKE APPROPRIATE ACTION



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EXPECTED END RESULT / PRODUCT



- **OUR PRODUCT WILL REPRESENT THE RESULTS OF THE CORPS' RESPONSIBILITY TO ADDRESS ISSUES AND REQUIREMENTS OF NEPA, CWA, AND ESA.**
- **WE WILL HAVE A MUCH IMPROVED DATA BASE FROM WHICH TO MAKE BETTER REGULATORY PERMIT DECISIONS - CRITICAL HIGH VALUE WETLANDS (WHERE THERE IS A FEDERAL INTEREST) WILL BE DEFINED/DELINEATED. THOSE THAT ARE NOT...WILL ALSO BE IDENTIFIED.**
- **WE ARE HOPEFUL THE END PRODUCT WILL RESULT IN THE ISSUANCE OF A GENERAL PERMIT.**
- **WE ARE COMMITTED TO COMPLETING THIS PROCESS IN 18 MONTHS.**
(PLS NOTE: THE ADDITIONAL 4 MONTHS SHOWN IN THE IMPLEMENTATION TIMELINE IS THE TIME REQUIRED TO PREPARE THE ISSUANCE OF A GENERAL PERMIT AND IS NOT PART OF THE 18 MONTH NEPA EIS PROCESS.)



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U.S. ARMY CORPS OF ENGINEERS AUTHORITIES



- ✓ **SECTION 10 OF THE RIVERS AND HARBORS ACT**
- ✓ **SECTION 404 OF THE CLEAN WATER ACT**
- ✓ **SECTION 103 OF THE MARINE PROTECTION,
RESEARCH AND SANCTUARIES ACT**

IF YOU HAVE ADDITIONAL QUESTIONS OR NEED ADDITIONAL INFORMATION;
PLEASE CONTACT MR LLOYD PIKE, JACKSONVILLE DISTRICT, USACE, OFFICE OF COUNSEL, PH: (904) 232-3761



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BRIEF HISTORY OF U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM



1767	US CONSTITUTION, REGULATE COMMERCE BETWEEN STATES
1899	RIVERS AND HARBORS ACT, SECTION 10 AUTHORITY
1920	ATTORNEY GENERAL, ONLY NAVIGATION FOR SECTION 10
1933	POTOMAC RIVER WHARF, AESTHETICS AND ALTERNATIVES FOR SECTION 10 DECISION, SUPREME COURT AFFIRMED
1960	OCE CHIEF COUNSEL OPINION, CAN DENY SECTION 10 PERMIT BASED ON CONCERNS FOR FISH AND WILDLIFE
1967	ZABEL V. TABB, CORPS DENIAL BASED ON FISH AND WILDLIFE CONCERNS, BOCA CEIGA BAY, FL, 5TH CIRCUIT COURT UPHELD; SECARMY / DOI MOU RE: PERMIT ISSUANCE
1969	NATIONAL ENVIROMENTAL POLICY ACT (NEPA)
1970	EO 11574, SECTION 13 PERMIT PROGRAM INITIATED AS REFUSE ACT PERMT PROGRAM
1972	FED. WTR. POLLUTION CONTROL ACT (FWPCA), SECTION 404 PROGRAM ESTABLISHED



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BRIEF HISTORY OF U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM (CONTINUED)



1975	NRDC V. CALLOWAY, COURT ORDERS JURISDICTION EXPANDED; FIRST PERMIT ISSUED IN PINELLAS CTY, FL
1977	CLEAN WATER ACT (CWA) (FWPCA RENAMED) AMENDMENTS FOR AGRICULTURE EXEMPTIONS, GENERAL PERMITS, BROAD GEOGRAPHIC JURISDICTION; FIRST NATIONWIDE PERMITS ISSUED
1982	REAGAN ADMIN, REGULATORY RELIEF, CORPS AS DECISION MAKER AFFIRMED
1986	CONSOLIDATED REGULATION ISSUED (CURRENT RULE)
1988	BUSH ADMIN, COMMITMENT TO PROTECT ENVIRONMENT - NO NET LOSS GOAL
1989	MOAs WITH EPA ON GEOGRAPHIC JURISDICTION, AGRICULTURAL EXEMPTIONS AND ENFORCEMENT
1990	MOA WITH EPA ON MITIGATION REQUIREMENTS OF SECTION 404 (b)(1) GUIDELINES
1992	BUSH ADMIN WETLANDS PLANS - INCREASE PROTECTION OF WETLANDS AND EFFICIENCY OF PROGRAM
1993	CLINTON ADMIN WETLANDS INITIATIVES, INCREASE PROTECTION AND EFFICIENCY
1993	FINAL RULE ISSUED CONFIRMING REGULATION OF VIRTUALLY ALL EXCAVATION AND FILINGS PROJ's (404)
1994	MOA AMONG CORPS, EPA, SCS AND FWS ON DELINEATION OF WETLANDS



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EIS "GROUND RULES"



- USE COUNTIES' COMPREHENSIVE PLANS AS BASE; LOCAL AND STATE PREFERRED ALTERNATIVES
- WE WILL MAKE MAXIMUM USE OF EXISTING REPORTS, STUDIES, ETC.
- GROUPS WE ARE WORKING WITH:
 - SOUTH WEST FLORIDA ISSUES GROUP (SWIG) (GOV'S CMSN)
 - AGENCY ON BAY MANAGEMENT (ABM)
 - ALTERNATIVES DEVELOPMENT GROUP (ADG) (MEMBERS YET TO BE IDENTIFIED)
- NEUTRAL AND UNBIASED FACILITATION



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CORPS' PERSPECTIVE



✓LEE AND COLLIER RAPID GROWTH. FOOTPRINT OF 8 SQ MI PERMITTED IN PAST FEW YEARS AND EXPECT PERMIT REQUESTS FOR 30 SQ MI IN NEXT FEW YEARS.

✓RECURRING PERMIT REVIEW ISSUES:

- ✓ LOSS OF SPATIAL HABITAT (ENDANGERED SPECIES);
- ✓ CHANGES IN WATER FLOW & QUALITY;
- ✓ APPROPRIATE WETLAND MITIGATION.

✓IS INCREMENTAL PERMIT-BY-PERMIT REVIEW ON THESE ISSUES ADEQUATELY ADDRESSING CUMULATIVE AND SECONDARY IMPACTS?

✓UNIQUE LINK OF CORPS REGULATORY EIS PROCESS AND COUNTY COMPREHENSIVE PLANS.

✓OUTCOME IS AN EIS, AND MORE STREAMLINED/PREDICTABLE PERMITTING PROCESS (POSSIBLY PGP).



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Permitting Activity



	<u>USACE</u>	<u>SAD</u>	<u>SAJ</u>
Total	85,365	24,633	7,748
% SAJ	9 %	31 %	
IP/LOP	7,676	1,719	1,006
% SAJ	13 %	59 %	



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WHAT THE CORPS OF ENGINEERS HAS LEARNED THUS FAR



**NEW AIRPORT TERMINAL AND TAXIWAYS
DO NOT
REQUIRE AN INDEPENDENT EIS**

PERMITS ARE CONTINUING TO BE PROCESSED

NO BUILDING MORATORIUM EXISTS

MAJOR ISSUES THUS FAR
DR JOHN HALL, CHIEF, REGULATORY DIVISION



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PUBLIC MEETINGS

- OVER 200 PARTICIPANTS
- THANK YOU, LEE COUNTY LIBRARY SYSTEM
- 40 SPEAKERS IN MORNING, 20 SPEAKERS IN AFTERNOON
- COMMENTS THOUGHTFUL AND OVERWHELMINGLY SUPPORTIVE OF EIS PROCESS
- PARTICIPANTS BUSINESSLIKE AND WELL-PREPARED
- GOAL OF PUBLIC MEETING MET



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PUBLIC MEETINGS SUMMARY



GENERAL

GEOGRAPHIC

ISSUES

PROCESS



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PUBLIC MEETINGS GENERAL COMMENTS



**CONCERN: IS SOUTHWEST FLORIDA
BECOMING ANOTHER EAST COAST?**

BENEFITS AND COSTS ASSOCIATED WITH GROWTH

**OBSERVATIONS ON PROCESSES FOR PLANNING,
DEVELOPMENT APPROVAL AND PERMITTING**

- INFLUENCE BY SPECIAL INTERESTS**
- IMPLEMENTATION OF CURRENT RULES**
- HIDDEN COSTS**



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PUBLIC MEETINGS

COMMENTS ON GEOGRAPHIC SCOPE



LARGE AREA OR SMALL AREA?

- BALANCE AERIAL EXTENT TO DETAIL OF ANALYSIS
- APPROPRIATE AREA FOR REGULATORY IMPLEMENTATION

EFFECTS ON ESTUARY, NEARSHORE AND GULF WATERS BY RUNOFF FROM WATERSHEDS

FOCUSED ON ESTERO BAY WATERSHED, BUT MANY ADDED:

- ALL OF LEE COUNTY
- PORTION OF HENDRY COUNTY DRAINING TO ESTERO
- COLLIER COUNTY
- LAKE TRAFFORD - CAMP KEAIS STRAND - FAKAHATCHEE -
TEN THOUSAND ISLANDS
- CALOOSAHAATCHEE RIVER



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PUBLIC MEETINGS

ISSUES RAISED



WATER QUALITY IN DOWNSTREAM WATERS

EFFECTS ON WATER SUPPLY FROM

- LOSS OF WATER QUALITY
- LOSS OF WETLANDS

HABITAT LOSS AND FRAGMENTATION

FLOODING

JOBS AND ECONOMIC DEVELOPMENT

ECONOMIC DIVERSITY

IMPACTS ON DRINKING WATER

ECO-TOURISM

PROPERTY RIGHTS

ENDANGERED AND THREATENED SPECIES

MITIGATION



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PUBLIC MEETINGS COMMENTS ON PROCESS



USE BEST AVAILABLE INFORMATION

- PEER REVIEW**
- GOOD SCIENCE**

LOCAL PARTICIPATION

PHASING 18 MONTH - 36 MONTH

CONNECTION/DUPPLICATION WITH

- RESTUDY CALOOSAHATCHEE**
- WRDA CRITICAL PROJECTS**

SELECTION OF ALTERNATIVE DEVELOPMENT GROUP (ADG)



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PUBLIC MEETINGS



**WRITTEN COMMENTS ON THE SCOPE OF THE EIS
ACCEPTED UNTIL FEBRUARY 20, 1998**

**DISTRICT ENGINEER
JACKSONVILLE DISTRICT
U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019**

**FOR INFORMATION:
CONTACT BOB BARRON (904) 232-2203**



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KEY ISSUES

**WATER
QUALITY &
QUANTITY**

MITIGATION

**ECONOMIC
DEVELOPMENT**

**HABITAT /
ENDANGERED
SPECIES**

WETLANDS



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SELECTED LOCAL PERSPECTIVES

“CORPS PRESENCE IS SUSPECT”

- **“WE’RE DOING FINE - CORPS NOT NEEDED!!!”**
- **“WE DON’T TRUST YOU - YOU REPRESENT THE HEAVY HAND OF FEDERAL GOVERNMENT”**
- **“YOUR FEDERAL PERMITTING PROCESS IS TOO SLOW, TOO COSTLY AND INEFFICIENT”**
- **“CORPS IS TRYING TO STOP OR LIMIT GROWTH AND DEVELOPMENT”**
- **“CORPS IS THE LAST GREAT HOPE FOR ENVIRONMENTAL GROUPS”**
- **“CORPS IS THE “DARTH VADER” OF THE DEVELOPMENT INTERESTS”**
- **“ENVIRONMENTAL GROUPS CAN’T PASS THEIR AGENDA AT THE BALLOT BOX - SO THEY ARE TRYING TO GET YOU TO FURTHER THEIR AGENDA”**
- **“YOU’RE LIKE GOING TO THE DENTIST - IT HURTS INITIALLY, BUT IS GOOD FOR US IN THE LONG RUN”**
- **“WHY NOW?”**



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LEE AND COLLIER COUNTIES INVOLVEMENT

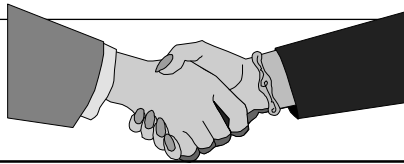


• THE CORPS CONTINUES TO REQUEST THE INVOLVEMENT OF THE COUNTIES....AS WELL AS EVERYONE ELSE.

• THE COUNTY COMMISSIONERS' DECISION COMES DOWN, AS STATED BY ONE OF YOU LAST WEEK, TO :

“IF WE ARE COMFORTABLE WITH THE CORPS GOING ON WITHOUT US, THEN THE CORPS SHOULD DO SO ALONE.

IF NOT, THEN WE REALLY OUGHT TO GET INVOLVED AT A LEVEL OF PARTICIPATION THAT DEPENDS ON OUR LEVEL OF COMFORT.”



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U.S. ARMY CORPS OF ENGINEERS REGULATORY PROGRAM PUBLIC SERVICE COMMITMENT



PUBLIC SERVICE IS A PUBLIC TRUST...

AND WE MUST EARN YOUR TRUST.

TO KEEP YOUR TRUST;

WE MUST CONDUCT OURSELVES IN A MANNER THAT

REFLECTS THE FOLLOWING PRINCIPLES:



PROFESSIONALISM



FAIRNESS



REASONABLENESS



KNOWLEDGEABLE



HONESTY



TIMELINESS



ACCOUNTABILITY



RESPECT



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SUMMARY

**E = EFFICIENCY AND ECONOMY OF EFFORT
I = INFORMATION NEEDED TO PROVIDE
CONSISTENCY, CERTAINTY AND CLARITY
S = SERVICE AND SPEED BY THE CORPS;
FOR ITS CUSTOMERS**

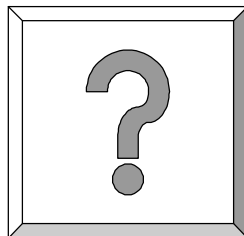
**THIS EIS IS NOT ABOUT SERVING ONE INTEREST GROUP OR ANOTHER...
IT IS ABOUT ALL OF US IN GOVERNMENT BETTER SERVING ALL OF THE PEOPLE
OF THE UNITED STATES OF AMERICA, THE STATE OF FLORIDA AND
LEE AND COLLIER COUNTIES**



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QUESTIONS AND ANSWERS





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